



भारत का राजपत्र The Gazette of India

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EXTRAORDINARY

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PART II—Section 2

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NEW DELHI, FRIDAY, JULY 29, 1983/SRAVANA 7, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 29th July, 1983:—

BILL No. 21 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983. Short title.
2. Article 155 of the Constitution shall be numbered as clause (1) of that article and after clause (1) as so numbered, the following clause shall be inserted, namely:— Amendment of article 155.

“(2) The President shall while appointing the Governor of a State take into consideration the views, if any, of the Chief Minister of the State.”.

STATEMENT OF OBJECTS AND REASONS

The Governors are appointed by the President without calling for the views of the Chief Ministers of the States concerned. The feeling among the State Chief Ministers is that they do not have the confidence on the Governors when appointed by the President and sometimes it is very difficult to compromise or to reach an agreement on certain important points with the Chief Minister by the Governor. The Governors have in the past dissolved or suspended the Assembly without consultation with the State Chief Ministers. Therefore, it will be better if the President appoints the Governors after due consideration of the views of the Chief Ministers so that the administration of the States is run in cooperation between the Legislature and the Governors, which is a very important factor. It will also be a check on frequent dissolutions of the Legislative Assemblies in future.

Hence this Bill.

NEW DELHI;
September 23, 1982.

B. V. DESAI

BILL No. 9 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

- | | |
|--|---|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1983. | Short title and commencement. |
| (2) It shall come into force at once. | |
| 2. In the Preamble to the Constitution, for the word "India", occurring at two places, the word "Bharat" shall be substituted. | Amendment of Preamble. |
| 3. In article 1 of the Constitution,—
(a) in clause (1), the words "India, that is" shall be omitted;
(b) in clause (3), for the word "India", the word "Bharat" shall be substituted. | Amendment of article 1. |
| 4. Throughout the Constitution, for the word "India", wherever it occurs, the word "Bharat" shall be substituted. | Substitution of the word "Bharat" for the word "India". |

STATEMENT OF OBJECTS AND REASONS

Bharat has been the name used within the country and by the countrymen since ancient times. The name India was derived by the Europeans from the word "Indus" used for river Sindhu by the writers accompanying Alexander the great, just as the Iranians had pronounced river Sindhu as "Hindu" and the land around that river as Hindustan. There cannot be any objection to the foreigners' pronunciations in their own languages, nor there should be any objection to their naming Bharat as India or Hindustan. But a country's name is a proper noun and it cannot be translated in different languages in different ways. It is all the more anomalous if we ourselves begin translating the name of our country. If it was so done in the specific conditions of transfer of power accompanied by partition, there is no justification for continuing it any longer. The country's name must remain Bharat and terms like "India" that is "Bharat" must be done away with.

Hence this Bill.

NEW DELHI;
January 24, 1983.

BHOGENDRA JHA

BILL NO. 14 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1983.

(2) It shall come into force at once.

2. After article 125 of the Constitution, the following article shall be inserted, namely:—

“125A. The Judges of the Supreme Court, on ceasing to hold office as Judges, shall be ineligible for further employment either under the Government of India or under the Government of a State, except in accordance with the provisions of article 128.”.

3. After article 221 of the Constitution, the following article shall be inserted, namely:—

“221A. The Judges of the High Courts, on ceasing to hold office as Judges, shall be eligible for appointment as Judges of the Supreme Court or for appointment in accordance with the provisions of articles 127 and 128, but not for any other employment under the Government of India or under the Government of a State.”.

Short title and commencement.

Insertion of new article 125A.

Prohibition as to the holding of offices by Judges of Supreme Court on ceasing to be such Judges.

Insertion of new article 221A.

Prohibition as to the holding of offices by Judges of High Courts on ceasing to be such Judges.

STATEMENT OF OBJECTS AND REASONS

In order to preserve the independence and impartiality of the Union and State Public Service Commissions and the Comptroller and Auditor General of India our Constitution has prohibited further employment of the holders of these offices under the Union Government or the State Governments.

This is a salutary principle and needs to be applied to the Judges of the Supreme Court and the High Courts also. The independence of our judiciary is the pre-condition of the effective functioning of our democratic institutions. In recent years this independence of the Judges has been undermined by the ruling party which offered them further employment in some capacity or the other. The first Law Commission had also frowned upon further employment of the Judges by the Government. If the judiciary is not to be completely subordinated to the executive, it is necessary to impose a total ban on further employment of Judges of the Supreme Court and High Courts.

Hence this Bill.

NEW DELHI;
January 27, 1983.

MADHU DANDAVATE

BILL NO. 77 OF 1983

A Bill to provide for life insurance of industrial workers

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Workers' Insurance Act, 1983.

Short
title
and ex-
tent..

(2) It extends to the whole of India.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

14 of 1947.

(a) "industrial worker" means a workman as defined in the Industrial Disputes Act, 1947;

8 of 1923.

(b) "dependant" means a person as defined in the Workmen's Compensation Act, 1923.

3. (1) The Government shall frame an Insurance Scheme for industrial workers.

Insurance
scheme
for in-
dustrial
workers.

(2) The Government and the employer of the industrial workers each shall contribute separately to the Insurance Scheme at the rate of ten per cent. of the wages payable to each of the industrial workers employed by the employer.

(3) The expenditure on the enforcement of the Insurance Scheme shall be borne by the Government and the industrial worker shall not be required to contribute anything to the Insurance Scheme.

Payment
of insu-
rance to
depen-
dants of
industrial
workers.

4. The Government shall pay rupees three hundred and fifty per-month as insurance amount to the dependants of industrial workers, who die while in service, out of the Fund of the Insurance Scheme.

Power to
make
rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The industrial workers of the country are the worst sufferers, security-wise. They are meagrely paid by their employers, which is not even sufficient for their subsistence. Naturally, they are unable to make provisions for their near and dear ones out of their meagre wages.

They suffer a slow death leaving their offsprings at the mercy of this unkind world. At the work-sites, where they are made to work, the working conditions are always dangerous and often they die in accidents. The facilities under the Employees State Insurance Scheme are not sufficient to take the dependants through the rest of their lives. They need and deserve something more than the ESI cover to cover the gap between the ESI facilities and their actual need.

Hence this Bill.

NEW DELHI;
April 11, 1983.

E. BALANANDAN.

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the framing of an Insurance Scheme for the industrial workers. Clause 3(2) provides that the Government and employer of industrial workers shall each contribute ten per cent. of the wages payable to each of the industrial worker to the Insurance Scheme. Clause 3(3) provides that the expenditure on the enforcement of the Insurance Scheme shall be borne by the Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL No. 76 OF 1983

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983. **Short title.**

2. In article 326 of the Constitution, for the words “and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature”, the words, “and who has attained the age of eighteen years on the first day of January of the year in which the elections are held” shall be substituted. **Amend-
ment of
article
326.**

STATEMENT OF OBJECTS AND REASONS

A person is deemed to attain maturity at the age of eighteen years and gains recognition and responsibility in the eyes of law for his own acts and deeds. The Bill proposes to amend the Constitution so as to enable eighteen year olds to vote in the elections to the House of the People and the Legislative Assemblies of the States. This is the practice throughout the world and the purpose of the Bill is to confer similar right on the eighteen year olds of the country.

NEW DELHI;

April 11, 1983.

E. BALANANDAN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to enable persons who have attained the age of eighteen years to vote in the elections to the House of the People and the Legislative Assemblies of the States. It would involve additional financial expenditure on preparation of electoral rolls, etc. It is likely to involve a recurring expenditure of about rupees fifty lakhs from the Consolidated Fund of India per annum.

No non-recurring expenditure is likely to be involved.

BILL NO. 85 OF 1983

A Bill to provide for pension and other amenities to the families of agricultural workers.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:--

1. (1) This Act may be called the Agricultural Workers' Family Pension and Other Amenities Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short
title,
extent
and
commen-
cement.

2. For the purposes of this Act, "Government" means, in relation to agricultural workers of the State, the State Government, and in relation to agricultural workers of the Union territories, the Central Government.

Defini-
tion.

Pension
and
basic
amen-
ties to
family
of agri-
cultural
worker.

3. (1) A pension of two hundred and fifty rupees per month shall be paid by the Government to the family of the agricultural worker in case of his death or on cessation of his earning capacity.

(2) the Government shall also provide for basic amenities of life to the family of the agricultural worker in case of his death.

Family
pension
and
Amenity
Fund
Scheme.

4. (1) For providing pension and basic amenities of life to the family of agricultural worker under section 2, the Government may, by notification in the Official Gazette, frame a scheme to be called the "Agricultural Workers' Family Pension and Amenity Fund Scheme."

(2) In particular and without prejudice to the generality of the foregoing power to frame the Scheme,—

(a) the Government and the employer of the agricultural worker each shall contribute separately to the Fund at a rate of ten per cent. of wages payable to each of the agricultural worker employed by an employer;

(b) the expenditure on the enforcement of the Scheme shall be borne by the Government;

(c) the agricultural worker shall not be required to contribute to the Fund.

Power
to make
rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The family members of the agricultural workers are the worst sufferers when the bread-corn dies in harness. As the primary cause of their death is their worst exploitation by the employers, some compensation in the form of pension, etc. is necessary for their families. To achieve this objective, it is necessary to enact suitable legislation.

Hence this Bill.

NEW DELHI;
April 12, 1983.

M. M. LAWRENCE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of pension of rupees two hundred fifty per month to the family of the agricultural worker and also for provision of basic necessities of life in case of death of agricultural worker or on cessation of his earning capacity. Clause 4(1) provides for the framing of a scheme to be known as Agricultural Workers' Family Pension and Amenity Fund Scheme. Clause 4(2) (a) provides that the Government and employer of the agricultural worker each shall contribute to the Fund at the rate of ten per cent. of wages payable to each of the agricultural worker. Clause 4(2) (b) provides that the expenditure on the enforcement of the Scheme shall be borne by the Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to frame a scheme to be called the Agricultural Workers' Family Pension and Amenity Fund Scheme. Clause 5 empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of the legislative power is of a normal character.

BILL No. 86 OF 1983

A Bill to provide for payment by the Government to the agricultural workers of compensation for injury by accident.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Workers' Compensation Act, 1983.

Short
title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "accident" means an accident caused during agricultural process by tractor, hallow power crusher or any other agricultural machinery and includes an injury by falling into a well or from a tree, or electric shock while working with electric motors, snake bites, attack by bull or any wild or domesticated animal;

(b) "agricultural operation" means any work relating to agriculture, horticulture, sericulture, rearing of sheep, cattle, poultry or the work ancillary thereto or any other work connected with agriculture;

(c) "agricultural worker" means an agricultural worker who is engaged in any of the agricultural operations, as specified in clause (b) of this section, and whose main source of income is the wages he gets from such work;

(d) "Government" means, in relation to agricultural workers of the State, the State Government, and in relation to agricultural workers of the Union territories, the Central Government;

(e) all other words and expressions used herein and not defined in this Act but defined in the Workmen's Compensation Act, 1923, shall have the meanings respectively assigned to them in that Act.

8 of 1923.

Government to pay compensation.

3. If personal injury is caused to an agricultural worker by accident arising out of and in the course of agricultural operations, the Government shall be liable to pay to such agricultural worker compensation in accordance with the provisions of this Act.

Fixation of compensation.

4. Subject to the provisions of this Act, the amount of compensation shall be as follows, namely;—

(a) where death results from the injury, arising out of the accident, such amount as is equal to the total earning capacity lost due to death, that is the monthly wages of the worker multiplied by the years of service lost and multiplied by twelve, shall be paid to the dependant of the deceased agricultural worker;

(b) where permanent total disablement results from the injury, such amount as is payable under clause (a) shall be payable to the agricultural worker;

(c) in cases of injuries deemed to result in permanent partial disablement,—

(i) if it is the working hand or leg, compensation equal to the amount payable under clause (a) shall be payable to the agricultural worker;

(ii) in other cases, such percentage of the compensation, which would have been payable in the case of death as is specified in clause (a), as being the percentage of the loss of earning capacity caused by that injury;

(d) in case of other injuries, suitable compensation as may be deemed necessary shall be paid to the agricultural worker.

Fund to pay compensation.

5. (1) For the purpose of paying compensation a revolving fund shall be constituted, monies into which shall be provided by the Government and the employer of the agricultural worker for whom the agricultural worker was working at the time of accident.

(2) The employer of agricultural worker shall pay ten per cent. of the total amount of compensation payable to the agricultural worker and the rest shall be paid by the Government.

(3) The responsibility of payment of compensation shall lie on the Government.

(4) The expenditure on the enforcement of the provisions of this Act shall be borne by the Government and the agricultural worker shall not be required to contribute anything to the fund constituted under sub-section (1).

6. The Government shall appoint a Commissioner, by notification in the Official Gazette, for every district, who shall entertain the claims for payment of compensation under this Act. Commissioner.

7. Every claim for payment of compensation shall give the name and address of the agricultural worker injured and shall state in simple language the cause of injury, the name of the employer, date and place of injury and other relevant matters relating to the claim. Form of the claim.

8. On receipt of the claim, the Commissioner shall enquire into the matter and decide the amount of compensation payable under the Act and shall record the reasons for coming to such decision. Enquiry.

9. In the absence of a medical certificate in support of the injury, the Commissioner shall himself make a physical verification of the injury suffered by the agricultural worker and shall certify to the nature of injury suffered by the agricultural worker. Commissioner to verify in the absence of a medical certificate.

10. Every claim for compensation shall be finalised and the payment made within thirty days of filing of the claim. Payment of compensation.

11. No Court shall stay the operation of the award of compensation made by the Commissioner but the injured agricultural worker, shall have the right to appeal to the District court against the decision of the Commissioner. Appeal.

12. The Central Government may make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The agricultural workers while pursuing their avocations are not only receiving injuries but also losing their lives very often. There is no organisation to protect their interest. They are paid meagre wages and that is why when they receive injuries due to accidents and become partially or totally disabled or die in the process, they and, in their absence, their family members suffer innumerable hardships. In fact their families get ruined. There is neither any security nor any legal protection for them under such circumstances. The Bill is an attempt to give minimum security and protection to this unfortunate lot of agricultural workers.

NEW DELHI;

M. M. LAWRENCE

April 12, 1983.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation by the Government to agricultural workers for personal injuries received by them during the course of their employment. Clause 5(1) provides that a revolving fund shall be constituted for payment of compensation monies into which shall be provided by the Government and the employer of the agricultural worker. Clause 5(2) provides that the employer of agricultural worker shall pay ten per cent. of the total amount of compensation payable to the agricultural worker and the rest shall be provided by the Government. Clause 5(3) provides that the responsibility of payment of compensation shall lie on the Government. Clause 5(4) provides that the expenditure on the enforcement of the provisions of this Act shall be borne by the Government. Clause 6 provides for the appointment of Commissioners for every district. The Bill, therefore, if enacted, is likely to involve a recurring expenditure from the Consolidated Fund of India to the extent of about rupees eight crores annually. A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 83 OF 1983

A Bill to provide for abolition of social disparities, casteism and removal of educational and social backwardness of Harijans, Girijans and other backward classes.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Social Disparities Abolition Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short
title,
extent
and
Commence-
ment.

2. In this Act, unless the context otherwise requires,—

(a) “Backward Classes Commission” means the Backward Classes Commission appointed under the Chairmanship of Shri B. P. Mandal on the 1st January, 1979 by the President of India under article 340(1) of the Constitution whose report was presented to the President on the 31st December, 1980;

Defini-
tions.

(b) “financial assistance” means assistance to be provided compulsorily to the student of backward classes in pursuance of the recommendations of the Backward Classes Commission;

(c) "Government" means the Government of India or the Government of a State, as the case may be;

(d) "*Harijans* and *Girijans*" means the "Scheduled Castes" and "Scheduled Tribes" as defined in article 366 of the Constitution of India;

(e) "other backward classes" means socially and educationally backward Hindus, Muslims and other minorities or citizens listed, State-wise, in the Backward Classes Commission Report, 1980, to be published by the Government in the Gazette for the purposes of this Act;

(f) "social disparity" means disparity in society because of which a section of citizens becomes victim of discrimination, untouchability and social backwardness arising out of casteism based on birth;

(g) "special provisions" means a provision embodied in the form of exceptions in articles 15(4), 16(4), 46 and 335 of the Constitution of India.

Reserva-
tion
in educa-
tional
institu-
tion.

3. Seventy per cent of the seats shall be reserved for Harijan, Girijan, minority community and other backward class students in the 1st year of all vocational colleges such as medical, engineering, agricultural and technological colleges and central schools.

Reserva-
tion of
posts in
services.

4. (1) There shall be a special provision for reservation of posts for candidates belonging to the other backward classes in direct recruitment to the Central and State Services which shall be as follows:—

Class I	25%
Class II	33%
Class III	33%
Class IV	40%

Provided that this reservation shall also apply in case of promotions also and a relaxation of five years shall be given to the candidates belonging to other backward classes in the prescribed age limit for recruitment.

(2) The reservation in services for the Harijans and Girijans shall be as follows:—

	Class I	Class II	Class III	Class IV
Scheduled Castes	15%	15%	18%	12%
Scheduled Tribes	7	2%	2%	2%
Women and physically handicapped persons	4%	4%	3%	2%
Handicapped military personnel and the depend- ents of those killed during Indo-Pak war	5%	3%	2%	2%
Departments of freedom Fighters	4%	3%	2%	2%

(3) The posts so reserved under sub-sections (1) and (2) shall be filled through competition or selection from amongst the candidates belonging to other backward classes or Harijans and Girijans, as the case may be, for whom the posts have been reserved, and in case Harijan and Girijan candidates are not available to fill the posts reserved for them in a year, these posts may be filled by suitable candidates of other backward classes.

5. The provision of reservation shall cease to have effect on the expiration of a period of fifteen years from the date of commencement of this Act :

Period of reservation.

Provided that if the Government is satisfied that there is no adequate representation of members of backward classes in the services it may extend the period of reservation through a notification.

6. A statement regarding the implementation of provisions of section 4 shall be laid on the table of each House of Parliament during Budget Session, every year.

Implementation statement to be laid on the Table.

7. (1) The Government shall make rules for providing financial assistance and giving priorities to students belonging to backward classes in pursuance of the recommendations of the Backward Classes Commission.

Financial assistance and making rules therefor.

(2) Every rule made under this Act shall be laid before each House of Parliament or the Legislative Assembly, as the case may be, for approval.

8. Indication of caste with the name of a person or institution is hereby prohibited.

Prohibition on indication of caste.

9. A young person, male or female, who goes in for inter caste marriage shall be given preference, according to his or her ability, in the Central and State services or in setting up small scale industry.

Preference in case of Services inter-caste marriage.

10. (1) The Government shall set up girls schools at panchayat level to impart free education upto 10th class.

Compulsory free education for women.

(2) It shall be compulsory for Harijan and Girijan women to receive education.

11. All Laws, rules and orders relating to recruitment, in so far as they are inconsistent with the provisions of this Act, shall be deemed to have been repealed.

Repeal of inconsistent laws, rules and orders.

Evolution
of a
uniform
pattern
of edu-
cation.

12. (1) The Government shall evolve a uniform pattern of education for all citizens.

(2) All the public schools in the country shall be acquired and socialized by the Government.

Casteless
priest
and
entry in
Temples.

13. (1) Every citizen shall be entitled to enter any temple as also to serve as its priest.

(2) The priests in the prominent temples in the country shall not be from any particular caste or community.

Cultivator
to be
owner
of land.

14. Only the cultivator shall be the owner of the cultivable land.

Housing
facility.

15. Every landless agricultural labourer family shall be entitled to have a plot or a pucca built house in the village.

Stopping
of exploi-
tation
and
setting
up of
mobile
courts.

16. (1) Exploitation of Harijans, Girijans, poor persons and members of the weaker sections of society shall be stopped and the cases of beating, forcible occupation of land and atrocities shall be registered and investigated as State cases.

(2) The Government shall set up mobile courts to punish the offenders.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to remove educational, social, cultural, backwardness of oppressed and backward classes.

The Second Backward Classes Commission known as Mandal Commission which was appointed in January, 1979 under article 340 of the Constitution to investigate the conditions of socially and educationally backward classes in its Report presented to the President on 31 December, 1980 has made several far reaching recommendations in respect of reservation for Scheduled Castes, Scheduled Tribes and backward classes in all Government services as well as in technical and professional institutions, both under the control of Centre and the States, special educational facilities and vocational training.

The provision of reservation being made in this Bill is to give effect to the main recommendations of the Mandal Commission. The policy of special provisions will go a long way to remove casteism and also ensure representation of the weaker sections of the society, constituting 52% of the total population discriminated against for centuries in class I posts. The official figures have revealed that the percentage of the people of backward classes in services is negligible.

With a view to create conditions for radical land reforms, a plot or pucca house should be provided to all landless agricultural labourer.

The enactment of this Bill will remove the shortfalls of the last few decades. The Bill, if enacted, will lead to the implementation of the recommendations of the Mandal Commission.

Hence, this Bill seeks to make the Government responsible to ensure equality of all to make good citizens.

NEW DELHI;
April 16, 1983.

AJIT KUMAR MEHTA

FINANCIAL MEMORANDUM

The Bill provides for financial assistance to students of backward classes, setting up girls schools at panchayat level, free education to women upto 10th class, acquisition of all Public schools in the country, giving of a plot or pucca house to all landless agricultural labourers, and setting up of mobile courts [clauses 7, 10, 12(2), 15 and 16(2)]. It is not possible to give precise estimate of such expenditure. However, the Bill, if enacted, is likely to involve several crores of rupees annually; a part of which will be incurred from the Consolidated Fund of India in respect of Union territories and towards grant in aid that may be made to States for implementing the provisions of the Bill.

Non-recurring expenditure is also likely to be incurred though it is not possible at this stage to give a precise estimate of the same.

BILL No. 75 OF 1983

A Bill further to amend the Central Excises and Salt Act, 1944.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

- | | | |
|------------|---|-------------------------------|
| | 1. (1) This Act may be called the Central Excises and Salt (Amendment) Act, 1983. | Short title and commencement. |
| | (2) It shall come into force at once. | |
| 1 of 1944. | 2. In the Central Excises and Salt Act, 1944 (hereinafter referred to as the principal Act), in the Long Title, the words "and to salt" shall be omitted. | Amendment of Long title. |
| | 3. In the Preamble of the principal Act, the words "and to salt" shall be omitted. | Amendment of preamble. |
| | 4. In section 1 of the principal Act, in sub-section (1), the words "and Salt" shall be omitted. | Amendment of Section 1. |
| | 5. In section 2 of the principal Act, | Amendment of Section 2. |
| | (i) in clause (d), the words "and includes salt" shall be omitted; | |
| | (ii) in clause (f), sub-clause (ii) shall be omitted; | |
| | (iii) clause (j) shall be omitted. | |

Amend-
ment of
Section 3.

6. In sub-section (1) of section 3 of the principal Act, the words "and a duty on salt manufactured in, or imported by land into, any part of India" shall be omitted.

Omis-
sion of
Chapter
V.

7. Chapter V of the principal Act shall be omitted.

Amend-
ment of
Section
37.

8. In section 37 of the principal Act, in sub-section (2),—

(a) clause (v) shall be omitted;

(b) in clause (x), the words "of salt", and the word "other" shall be omitted;

(c) in the proviso to clause (xii), the words "salt and" and the words "and to separate and purify salt in the process of such manufacture and refining" shall be omitted;

(d) in clause (xiv), the words "and for the inspection or search of any place or conveyance used for the production, storage, sale or transport of salt", and the word "other" shall be omitted;

(e) clause (xviii) and (xix) shall be omitted.

Amend-
ment of
First
Schedule.

9. In the First Schedule to the principal Act,—

(a) item number 5 and the heading thereto shall be omitted;

(b) in item number 68, after part (c), the following part shall be inserted, namely:—

"(d) salt including swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt earth,".

STATEMENT OF OBJECTS AND REASONS

The Central Excises and Salt Act, 1944, was enacted by the British colonial rulers. Salt being among the most essential commodities required and consumed by all irrespective of their class, origin or social and economic status, the nation had fought the Britishers under the leadership of Mahatma Gandhi for total abolition of tax on salt. Hence apart from being the barest necessity for the common man tax-free salt has become a part of our national tradition and sentiment. The Act of 1944 still carries the name of salt which implies that any Government at its will can impose duty, cess or tax on salt, but the need is to do away with it altogether.

Hence this Bill.

NEW DELHI;

BHOGENDRA JHA

October 18, 1982.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274
OF THE CONSTITUTION OF INDIA

[Copy of letter No. 4/1/83-CX.I, dated 14 June 1983 from Shri Pranab Kumar Mukherjee, Minister of Finance to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the Bill further to amend the Central Excises and Salt Act, 1944, by Shri Bhogendra Jha, Member, Lok Sabha, recommends under clause (1) of article 117 and clause (1) of article 274 of the Constitution the introduction of the Bill in Lok Sabha.

BILL NO. 81 OF 1983

A Bill to provide for the compulsory publication of annual accounts by recognised political parties.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment,

Defini-
tions.

1. (1) This Act may be called the Publication of Political Party Accounts Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) 'prescribed' means prescribed by rules made by the Central Government under this Act;

(b) 'recognised party' means any political party recognised as such by the Election Commission in exercise of the powers conferred by sub-paragraph (2) of paragraph 6 of the Election Symbols (Reservation and Allotment) Order, 1968,

3. (1) Every recognised political party shall keep a separate and correct account of all receipts and expenditure pertaining to party work, and cause to be published annually a statement of such accounts, by such date and in such manner as may be prescribed in this behalf.

Annual publication of accounts.

(2) The account shall contain such particulars as may be prescribed.

4. (1) If the Election Commission is satisfied that a recognised political party—

Withdrawal of recognition for failure to publish accounts.

(a) has failed to publish its accounts within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare withdrawal of the recognition conferred on it under subparagraph (2) of paragraph 6 of the Election Symbols (Reservation and Allotment) Order, 1968.

(2) An order issued under sub-section (1) shall remain in force for three years:

Provided that the Election Commission may, for reasons to be recorded, revoke such order earlier.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The health of parliamentary democracy in India warrants that the accounts of political parties are annually published. The Constitution does not formally recognise the existence of political parties. But by rules framed by the Election Commission in exercise of its powers under the Representation of the People Act, 1951, political parties are granted recognition for certain electoral purposes.

This Bill seeks to provide for compulsory publication of accounts and to link failure to do so with withdrawal of recognition.

NEW DELHI;
June 26, 1983.

MADHU DANDAVATE

MEMORANDUM REGARDING DELEGATION LEGISLATION

Clause 3 requires publication of annual accounts in accordance with rules prescribed in this behalf by the Central Government. These are matters of administrative detail and it is difficult to provide for all these matters in this Bill itself. Clause 5 empowers the Central Government to make rules for carrying into effect the provisions of the Act. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 80 OF 1983

A Bill to confer additional discretionary powers on the Supreme Court to issue writs in certain cases.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court (Additional Discretionary Powers) Act, 1983. Short title.

2. The Supreme Court shall have discretionary power to issue to any person or authority, including in appropriate cases any Government, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for any purpose other than the one mentioned in article 32 of the Constitution, if in the opinion of the Supreme Court the matter sought to be raised before it is of such importance as requires its intervention. Discretionary power to issue orders and writs.

STATEMENT OF OBJECTS AND REASONS

In the matter of issuing writs, the Constitution has made a distinction between the powers of the High Courts and those of the Supreme Court. While the right to move the Supreme Court for the enforcement of citizens' fundamental rights has itself been made a fundamental right by the Constitution-makers by including it in Part III of the Constitution, the Supreme Court has only appellate jurisdiction in respect of writs issued for purposes other than those mentioned in article 32. Thus the Constitution has conferred wider power on the High Courts under article 226 than what the Supreme Court enjoys under article 32.

It is felt that in important matters the Supreme Court also should have original jurisdiction. In the interest of justice it would be desirable to cut down litigation as far as possible and also achieve quickly clarification and legal finality in regard to matters involving individual rights. However, it is not intended that the entire work of the High Courts in respect of writs should be taken over by the Supreme Court. The Bill, therefore, seeks to confer on the Supreme Court discretionary power to exercise original jurisdiction in cases where it holds that its intervention is both required and justified by the importance of the matter sought to be raised before it.

New Delhi;
June 26, 1953.

MADHU DANDAVATE

BILL NO. 79 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1983.

Short
title
and
commen-
cement.

(2) It shall come into force at once.

2. In article 356 of the Constitution, in clause (i),—

(i) the words “or otherwise” shall be omitted;

(ii) in the existing proviso, after the word “Provided”, the word “further” shall be inserted and before the existing proviso as so amended, the following proviso shall be inserted, namely:

Amend-
ment of
article
356.

“Provided that, notwithstanding anything contained in this article, no such Proclamation shall be issued by the President until a resolution approving the proposed Proclamation is passed by the Council of States by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting:”.

STATEMENT OF OBJECTS AND REASONS

Under article 356 of the Constitution, President is empowered to assume to himself the functions of the Government of a State, dissolve the Legislature of a State or keep it under suspended animation, that is, to impose President's Rule in the State by issue of a Proclamation under that article at the instance of the Central Government.

This power of the President has been used by the Central Government time and again to keep or bring the ruling party in power in States by placing State Assemblies in suspended animation till they can sort out their problems of choosing a leader or dissolve the duly elected Assemblies even when the Government enjoys majority support of the House and there is no breakdown of Constitutional machinery from the standpoint of a reasonable man, resulting in erosion of State autonomy as envisaged in the Indian Constitution. This and other malpractices of the Central Government have resulted in regional tensions and weakening of the bonds of unity and fraternity of the Indian people. The Indian people in the 1967 elections exhibited their maturity by giving mandate to one party to rule at the Centre while defeating the very same party in the Assembly elections in most of the States. It is worthy of notice that the 1967 election, both for Lok Sabha and State Assemblies, was held simultaneously. In no democracy is the mandate of the people so ill-treated as in the case of our country where a mandate of the people has been upset so blatantly as was done in 1960, 1977 and 1980. It is, therefore, proposed that this article be so amended as to reduce the unbridled power which Centre enjoys today under this provision to the detriment of the very system it professes to serve.

Hence this Bill.

NEW DELHI;
June 27, 1983.

H. N. BAHUGUNA

AVTAR SINGH RIKHY,
Secretary.